

1 By Brook. Vazquez Inaeger S.B. No. 121  
2 Gammey Jack Off McKinnon  
3 Santibañez A BILL TO BE ENTITLED  
4 Weldon Woff AN ACT

5 relating to bilingual education programs in the public  
6 schools; amending Chapter 21, Texas Education Code, by adding  
7 Subchapter L; amending Section 21.109, Texas Education Code; and  
8 declaring an emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 Section 1. Chapter 21, Texas Education Code, is amended by  
11 adding Subchapter L to read as follows:

12 "SUBCHAPTER L. BILINGUAL EDUCATION

13 "Sec. 21.451. STATE POLICY. The legislature finds that there  
14 are large numbers of children in the state who come from  
15 environments where the primary language is other than English.  
16 Experience has shown that public school classes in which instruction  
17 is given only in English are often inadequate for the education of  
18 children whose native tongue is another language. The legislature  
19 believes that a compensatory program of bilingual  
20 education can meet the needs of these children and facilitate their  
21 integration into the regular school curriculum. Therefore, pursuant  
22 to the policy of the state to insure equal educational opportunity  
23 to every child, and in recognition of the educational needs of  
24 children of limited English-speaking ability, it is the purpose of  
25 this subchapter to provide for the establishment of  
26 bilingual education programs in the public schools and to provide  
27 supplemental financial assistance to help local school districts  
28 meet the extra costs of the programs.

1 "Sec. 21.452. DEFINITIONS. In this subchapter the following  
2 words have the indicated meanings:

3 "(1) 'Agency' means the Central Education Agency.

4 "(2) 'Board' means the governing board of a school  
5 district.

6 "(3) 'Children of limited English-speaking ability'  
7 means children whose native tongue is a language other than English  
8 and who have difficulty performing ordinary classwork in English.

9 "Sec. 21.453. ESTABLISHMENT OF BILINGUAL  
10 PROGRAMS. (a) The governing board of each school district shall  
11 determine not later than the first day of March, under regulations  
12 prescribed by the State Board of Education, the number of school-age  
13 children of limited English-speaking ability within the district  
14 and shall classify them according to the language in which they  
15 possess a primary speaking ability.

16 "(b) When, at the beginning of any school year, there are  
17 within a school district 20 or more children of limited English-  
18 speaking ability in any language classification, the board shall  
19 establish a program in bilingual education for the  
20 children in each language classification. The board may establish  
21 a program with respect to a language classification with less than  
22 20 children.

23 "Sec. 21.454. PROGRAM CONTENT; METHOD OF INSTRUCTION.

24 (a) The bilingual education program established by a  
25 school district shall be a full-time program of instruction (1) in  
26 all subjects required by law or by the school district, which shall  
27 be given in the native language of the children of limited English-  
28 speaking ability who are enrolled in the program, and in the

1 English language; (2) in the comprehension, speaking, reading, and  
2 writing of the native language of the children of limited English-  
3 speaking ability who are enrolled in the program, and in the  
4 comprehension, speaking, reading, and writing of the English  
5 language; and (3) in the history and culture associated with the  
6 native language of the children of limited English-speaking ability  
7 who are enrolled in the program, and in the history and culture of  
8 the United States.

9       "(b) In predominantly non-verbal subjects, such as art,  
10 music, and physical education, children of limited English-speaking  
11 ability shall participate fully with their English-speaking  
12 contemporaries in regular classes provided in the subjects.

13       "(c) Elective courses included in the curriculum may be  
14 taught in a language other than English.

15       "(d) Each school district shall insure to children enrolled  
16 in the program a meaningful opportunity to participate fully with  
17 other children in all extracurricular activities.

18       "Sec. 21.455. ENROLLMENT OF CHILDREN IN PROGRAM. (a) Every  
19 school-age child of limited English-speaking ability residing within  
20 a school district required to provide a bilingual  
21 program for his classification shall be enrolled in the program for  
22 a period of three years or until he achieves a level of English  
23 language proficiency which will enable him to perform successfully  
24 in classes in which instruction is given only in English, whichever  
25 first occurs.

26       "(b) A child of limited English-speaking ability enrolled in  
27 a program of bilingual education may continue in that program for a

1 period longer than three years with the approval of the school  
2 district and the child's parents or legal guardian.

3       "(c) No school district may transfer a child of limited  
4 English-speaking ability out of a program in bilingual  
5 education prior to his third year of enrollment in the program  
6 unless the parents of the child approve the transfer in writing,  
7 and unless the child has received a score on an examination which,  
8 in the determination of the agency, reflects a level of English  
9 language skills appropriate to his or her grade level. If later  
10 evidence suggests that a child who has been transferred is still  
11 handicapped by an inadequate command of English, he may be  
12 re-enrolled in the program for a length of time equal to that which  
13 remained at the time he was transferred.

14       "(d) No later than 10 days after the enrollment of a child  
15 in a program in bilingual education the school district  
16 shall notify the parents or legal guardian of the child that the  
17 child has been enrolled in the program. The notice shall be in  
18 writing in English, and in the language of which the child of  
19 the parents possesses a primary speaking ability

20       "Sec. 21.456. FACILITIES; CLASSES. (a) Programs in  
21 bilingual education, whenever possible, shall be  
22 located in the regular public schools of the district rather than  
23 in separate facilities.

24       "(b) Children enrolled in the program, whenever possible,  
25 shall be placed in classes with other children of approximately the  
26 same age and level of educational attainment. If children of  
27 different age groups or educational levels are combined, the school  
district shall insure that the instruction given each child is  
appropriate to his or her level of educational attainment, and the

1 district shall keep adequate records of the educational level and  
2 progress of each child enrolled in the program.

3       "(c) The maximum student-teacher ratio shall be set by the  
4 agency and shall reflect the special educational needs of children  
5 enrolled in programs of bilingual education

6       "Sec. 21.457. COOPERATION AMONG DISTRICTS. (a) A school  
7 district may join with any other district or districts to provide  
8 the programs in bilingual education required or  
9 permitted by this subchapter. The availability of the programs  
10 shall be publicized throughout the affected districts.

11       "(b) A school district may allow a nonresident child of  
12 limited English-speaking ability to enroll in or attend its program  
13 in bilingual education, and the tuition for the child  
14 shall be paid by the district in which the child resides.

15       "Sec. 21.458. PRESCHOOL AND SUMMER SCHOOL PROGRAMS. A school  
16 district may establish on a full- or part-time basis preschool or  
17 summer school programs in bilingual education for  
18 children of limited English-speaking ability and may join with other  
19 districts in establishing the programs. The preschool or summer  
20 programs shall not be a substitute for programs required to be  
21 provided during the regular school year.

22       "Sec. 21.459. BILINGUAL EDUCATION TEACHERS. (a) The State  
23 Board of Education shall promulgate rules and regulations governing  
24 the issuance of teaching certificates with bilingual education  
25 endorsements to teachers who possess a speaking and reading ability  
26 in a language other than English in which bilingual education  
27 programs are offered and who meet the general requirements set out  
28 in Chapter 13 of this code.

1       "(b) The minimum monthly base pay and increments for teaching  
2 experience for a bilingual education teacher are the same as for a  
3 classroom teacher with an equivalent degree under the Texas State  
4 Public Education Compensation Plan. The minimum annual salary for  
5 a bilingual education teacher is the monthly base salary, plus  
6 increments, multiplied by 10, 11, or 12, as applicable.

7       "Sec. 21.460. ALLOTMENTS FOR OPERATIONAL EXPENSES AND  
8 TRANSPORTATION. (a) To each school district operating an approved  
9 bilingual education program there shall be allotted a  
10 special allowance in an amount to be determined by the agency for  
11 pupil evaluation, books, instructional media, and other supplies  
12 required for quality instruction.

13       "(b) To each school district operating  
14 bilingual education program there shall be allotted a transportation  
15 allowance for transportation of children enrolled in the program  
16 who are unable to participate in the program unless transportation  
17 is provided. The annual allowance shall be \$150 per child being  
18 transported.

19       "(c) The Foundation School Fund Budget Committee shall  
20 consider all amounts required for the operation of  
21 bilingual education programs in estimating the funds needed for  
22 purposes of the Foundation School Program."

23       Sec. 2. Section 21.109, Texas Education Code, is amended to  
24 read as follows:

25       "Sec. 21.109. LANGUAGE OF INSTRUCTION. (a) English shall be  
26 the basic language of instruction in all schools.

27

1       "(b) It is the policy of this state to insure the mastery of  
2 English by all pupils in the schools; provided that bilingual  
3 instruction may be offered or permitted in those situations when  
4 such instruction is educationally advantageous to the pupils.

5       Sec. 3. The importance of this legislation and the crowded  
6 condition of the calendars in both Houses create an emergency and  
7 an imperative public necessity that the Constitutional Rule  
8 requiring bills to be read on three several days in each House be  
9 suspended, and this Rule is hereby suspended, and that this Act  
10 take effect and be in force from and after its passage, and it is  
11 so enacted.

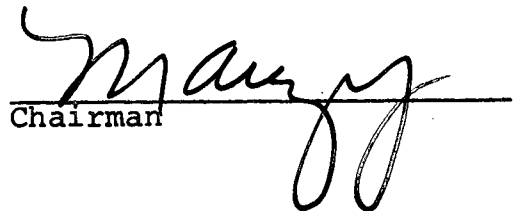
Austin, Texas

11 APRIL, 19 73

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on EDUCATION,  
to which was referred S B. No. 121, have had the same under  
consideration, and I am instructed to report it back to the Senate  
with the recommendation that it do not pass, but that the  
Committee Substitute adopted in lieu thereof do pass and be  
printed.

  
Chairman

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# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 11, 1973

Honorable Chet Brooks, Chairman  
Committee on Human Resources  
Texas Senate  
Capitol Building, Room 326  
Austin, Texas 78701

In Re: Committee Substitute for  
Senate Bill No. 121  
By: Brooks

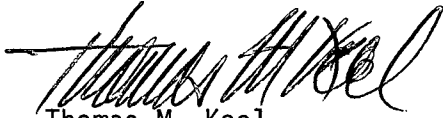
Sir:

In response to your request and pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Committee Substitute for Senate Bill No. 121 (relating to bilingual education programs in the public schools) to be as follows:

1. The bill amends the Foundation School Program and thus is shared on an 80-20 basis. For cost estimation purposes it has been assumed that all bilingual teachers will average one additional month's pay, and one dollar per student is added for operating cost.
2. The bill states that transportation allowances shall be made for students who would be unable to participate in the program unless transportation is provided. If this involves transportation from home to school, we assume that all students needing transportation are presently served. If this involves transportation from one school to another, then the cost involved would be funded at \$150 per student. In terms of state totals, the cost would be relatively low.
3. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Program Cost State Share</u>	<u>Administrative Cost (TEA)</u>
1974	\$ 1,320,000	\$ 100,000
1975	2,976,000	100,000
1976	3,864,000	150,000
1977	7,872,000	200,000
1978	9,914,000	225,000

4. State costs will continue as long as the provisions of the bill are in effect.

  
Thomas M. Keel  
Legislative Budget Director

# LEGISLATIVE BUDGET BOARD

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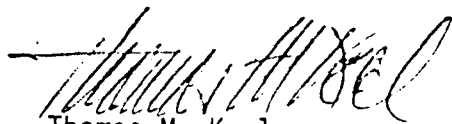
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Thomas M. Keel  
Legislative Budget Director

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~~April 30~~ 1973 Engrossed  
*Daik Reu*  
Engrossing Clerk

By: Brooks, et al

S.B. No. 121

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to bilingual education programs in the public schools  
3 and to bilingual training institutes for training public school  
4 personnel; amending Texas Education Code as follows: amending  
5 Chapter 21 by amending Section 21.109 and adding a new Subchapter  
6 L; adding a new Section 11.17 to Subchapter A, Chapter 11; adding  
7 a new Subsection 12.05 to Subchapter A, Chapter 12; and declaring  
8 an emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 Section 1. Chapter 21, Texas Education Code, is amended  
11 by adding Subchapter L to read as follows:

12 "SUBCHAPTER L. BILINGUAL EDUCATION

13 "Section 21.451. STATE POLICY. The legislature finds that  
14 there are large numbers of children in the state who come from  
15 environments where the primary language is other than English.  
16 Experience has shown that public school classes in which  
17 instruction is given only in English are often inadequate for the  
18 education of children whose native tongue is another language.  
19 The legislature believes that a compensatory program of bilingual  
20 education can meet the needs of these children and facilitate  
21 their integration into the regular school curriculum. Therefore,  
22 pursuant to the policy of the state to insure equal educational  
23 opportunity to every child, and in recognition of the educational  
24 needs of children of limited English-speaking ability, it is the  
25 purpose of this subchapter to provide for the establishment of

S.B. No. 121

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3 meet the extra costs of the programs.

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5 following words have the indicated meanings:

6 "(1) 'Agency' means the Central Education Agency.

7 "(2) 'Board' means the governing board of a school  
8 district.

9 "(3) 'Children of limited English-speaking ability'  
10 means children whose native tongue is a language other than English  
11 and who have difficulty performing ordinary classwork in English.

12 "Section 21.453. ESTABLISHMENT OF BILINGUAL PROGRAMS.

13 "(a) The governing board of each school district shall  
14 determine not later than the first day of March, under regulations  
15 prescribed by the State Board of Education, the number of  
16 school-age children of limited English-speaking ability within  
17 the district and shall classify them according to the language  
18 in which they possess a primary speaking ability.

19 "(b) Beginning with the 1974-75 scholastic year, each  
20 school district which has an enrollment of 20 or more children  
21 of limited English-speaking ability in any language classification  
22 in the same grade level during the preceding scholastic year,  
23 shall institute a program of bilingual instruction for the children  
24 in each language classification commencing in the first grade,  
25 and shall increase the program by one grade each year until  
26 bilingual instruction is offered in each grade up to the sixth.

1 The board may establish a program with respect to a language  
2 classification with less than 20 children.

3 "Section 21.454. PROGRAM CONTENT; METHOD OF INSTRUCTION.

4 "(a) The bilingual education program established by a  
5 school district shall be a full-time program of instruction (1)  
6 in all subjects required by law or by the school district, which  
7 shall be given in the native language of the children of limited  
8 English-speaking ability who are enrolled in the program, and in  
9 the English language; (2) in the comprehension, speaking, reading,  
10 and writing of the native language of the children of limited  
11 English-speaking ability who are enrolled in the program, and in  
12 the comprehension, speaking, reading, and writing of the English  
13 language; and (3) in the history and culture associated with the  
14 native language of the children of limited English-speaking ability  
15 who are enrolled in the program, and in the history and culture  
16 of the United States.

17 "(b) In predominantly nonverbal subjects, such as art,  
18 music, and physical education, children of limited English-speaking  
19 ability shall participate fully with their English-speaking  
20 contemporaries in regular classes provided in the subjects.

21 "(c) Elective courses included in the curriculum may be  
22 taught in a language other than English.

23 "(d) Each school district shall insure to children enrolled  
24 in the program a meaningful opportunity to participate fully with  
25 other children in all extracurricular activities.

26 "Section 21.455. ENROLLMENT OF CHILDREN IN PROGRAM.

1           "(a) Every school-age child of limited English-speaking  
2 ability residing within a school district required to provide a  
3 bilingual program for his classification shall be enrolled in the  
4 program for a period of three years or until he achieves a level  
5 of English language proficiency which will enable him to perform  
6 successfully in classes in which instruction is given only in  
7 English, whichever first occurs.

8           "(b) A child of limited English-speaking ability enrolled  
9 in a program of bilingual education may continue in that program  
10 for a period longer than three years with the approval of the  
11 school district and the child's parents or legal guardian.

12           "(c) No school district may transfer a child of limited  
13 English-speaking ability out of a program in bilingual education  
14 prior to his third year of enrollment in the program unless the  
15 parents of the child approve the transfer in writing, and unless  
16 the child has received a score on an examination which, in the  
17 determination of the agency, reflects a level of English language  
18 skills appropriate to his or her grade level. If later evidence  
19 suggests that a child who has been transferred is still handicapped  
20 by an inadequate command of English, he may be re-enrolled in the  
21 program for a length of time equal to that which remained at the  
22 time he was transferred.

23           "(d) No later than 10 days after the enrollment of a child  
24 in a program in bilingual education the school district shall  
25 notify the parents or legal guardian of the child that the child  
26 has been enrolled in the program. The notice shall be in writing

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S.B. No. 121

1 in English, and in the language of which the child of the parents  
2 possesses a primary speaking ability.

3 "Section 21.456. FACILITIES; CLASSES. (a) Programs in  
4 bilingual education, whenever possible, shall be located in the  
5 regular public schools of the district rather than in separate  
6 facilities.

7 "(b) Children enrolled in the program, whenever possible,  
8 shall be placed in classes with other children of approximately  
9 the same age and level of educational attainment. If children  
10 of different age groups or educational levels are combined, the  
11 school district shall insure that the instruction given each child  
12 is appropriate to his or her level of educational attainment, and  
13 the district shall keep adequate records of the educational level  
14 and progress of each child enrolled in the program.

15 "(c) The maximum student-teacher ratio shall be set by the  
16 agency and shall reflect the special educational needs of children  
17 enrolled in programs of bilingual education.

18 "Section 21.457. COOPERATION AMONG DISTRICTS. (a) A  
19 school district may join with any other district or districts to  
20 provide the programs in bilingual education required or permitted  
21 by this subchapter. The availability of the programs shall be  
22 publicized throughout the affected districts.

23 "(b) A school district may allow a nonresident child of  
24 limited English-speaking ability to enroll in or attend its program  
25 in bilingual education, and the tuition for the child shall be  
26 paid by the district in which the child resides.

1 "Section 21.458. PRESCHOOL AND SUMMER SCHOOL PROGRAMS.

2 A school district may establish on a full- or part-time basis  
3 preschool or summer school programs in bilingual education for  
4 children of limited English-speaking ability and may join with  
5 other districts in establishing the programs. The preschool or  
6 summer programs shall not be a substitute for programs required  
7 to be provided during the regular school year.

8 "Section 21.459. BILINGUAL EDUCATION TEACHERS. (a) The  
9 State Board of Education shall promulgate rules and regulations  
10 governing the issuance of teaching certificates with bilingual  
11 education endorsements to teachers who possess a speaking and  
12 reading ability in a language other than English in which bilingual  
13 education programs are offered and who meet the general  
14 requirements set out in Chapter 13 of this code.

15 "(b) The minimum monthly base pay and increments for  
16 teaching experience for a bilingual education teacher are the  
17 same as for a classroom teacher with an equivalent degree under  
18 the Texas State Public Education Compensation Plan. The minimum  
19 annual salary for a bilingual education teacher is the monthly  
20 base salary, plus increments, multiplied by 10, 11, or 12, as  
21 applicable.

22 "Section 21.460. ALLOTMENTS FOR OPERATIONAL EXPENSES AND  
23 TRANSPORTATION. (a) To each school district operating an approved  
24 bilingual education program there shall be allotted a special  
25 allowance in an amount to be determined by the agency for pupil  
26 evaluation, books, instructional media, and other supplies required



1 for quality instruction.

2 "(b) The cost of transporting bilingual education students  
3 from one campus to another within a district or from a sending  
4 district to an area vocational school or to an approved  
5 post-secondary institution under a contract for instruction  
6 approved by the Central Education Agency shall be reimbursed based  
7 on the number or actual miles traveled times the district's  
8 official extracurricular travel per mile rate as set by their  
9 local board of trustees and approved by the Central Education  
10 Agency.

11 "(c) The Foundation School Fund Budget Committee shall  
12 consider all amounts required for the operation of bilingual  
13 education programs in estimating the funds needed for purposes  
14 of the Foundation School Program."

15 Sec. 2. Subchapter A, Chapter 11, Texas Education Code,  
16 is amended by adding Section 11.17 to read as follows:

17 "Section 11.17. BILINGUAL EDUCATION TRAINING INSTITUTES.

18 "(a) The Central Education Agency shall conduct bilingual  
19 education training institutes.

20 "(b) The agency shall make rules and regulations governing  
21 the conduct of and participation in the institutes.

22 "(c) Professional and paraprofessional public school  
23 personnel who participate in the bilingual education training  
24 institutes shall be reimbursed for expenses incurred as a result  
25 of their participation in accordance with rules and regulations  
26 adopted by the agency."

296.3

S.B. No. 121

1           Sec. 3. Subchapter A, Chapter 12, Texas Education Code,  
2 is amended by adding Section 12.04 to read as follows:

3           "Section 12.04. BILINGUAL EDUCATION TEXTBOOKS. (a) The  
4 State Board of Education shall acquire, purchase, and contract  
5 for, with bids, subject to rules and regulations adopted by the  
6 board, free textbooks and supporting media for use in bilingual  
7 education programs conducted in the public school systems of this  
8 state.

9           "(b) The textbooks and supporting media shall be paid for  
10 out of the textbook fund and shall be the property of the State  
11 of Texas, to be controlled, distributed, and disposed of pursuant  
12 to board regulations."

13          Sec. 4. Section 21.109, Texas Education Code, is amended  
14 to read as follows:

15          "Section 21.109. LANGUAGE OF INSTRUCTION. (a) English  
16 shall be the basic language of instruction in all schools. [The  
17 governing-board-of-any-school-district-and-any-private-or-parochial  
18 school-may-determine-when,-in-which-grades,-and-under-what  
19 circumstances-instruction-may-be-given-bilingually.]

20          "(b) It is the policy of this state to insure the mastery  
21 of English by all pupils in the schools; provided that bilingual  
22 instruction may be offered or permitted in those situations when  
23 such instruction is educationally advantageous to the pupils.  
24 [Such-bilingual-instruction-may-not-be-offered-or-permitted-above  
25 the-sixth-grade-without-the-express-approval-of-the-Texas-Education  
26 Agency,-which-approval-shall-be-granted-on-a-three-year-basis

1 ~~subject-to-reapproval-at-the-end-of-that-time.]~~"

2       Sec. 5. The importance of this legislation and the crowded  
3 condition of the calendars in both houses create an emergency and  
4 an imperative public necessity that the constitutional rule  
5 requiring bills to be read on three several days in each house  
6 be suspended, and this rule is hereby suspended, and that this  
7 Act take effect and be in force from and after its passage, and  
8 it is so enacted.

FORM A  
COMMITTEE REPORT

Date 5/7,

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on Education, to whom was  
referred SB #B No. 121, have had the same under consideration  
and beg to report back with recommendation that it ( do ) pass.  
( do not )

The Committee recommends that this measure be considered for the ~~Local~~ and Consent Calendar.

House sponsor of Senate measure: Truan.

The measure was reported from Committee by the following record vote:

<u>15</u>	ayes
<u>8</u>	nays
<u>8</u>	present, not voting
<u>8</u>	absent

Dan Kulrak  
Chairman.

~~This measure proposes new law.~~

This measure proposes new law

BILL ANALYSIS

Background Information:

Section 21.109, Education Code, presently permits bilingual education at the option of local school districts and with approval of the Central Education Agency. It is alleged that bilingual education should be required in certain instances and under certain circumstances.

What the Bill Proposes to Do:

To establish bilingual education programs in the public schools and to provide for supplementary financing of the extra costs of said programs.

Section by Section Analysis:

Section 1. Chapter 21, Texas Education Code, is amended by adding Subchapter L to provide:

Sec. 21.451 declares it to be the policy of this State to insure equal educational opportunity to "children of limited English-speaking ability" and to be the purpose of this subchapter to provide for the establishment of bilingual education programs in the public schools and for financial assistance to help meet the extra costs of the programs.

Sec. 21.452 defines "children of limited English-speaking abilities" as those whose native tongue is not English and who "have difficulty performing ordinary classwork in English."

Sec. 21.453 requires the governing board of each school district to establish a program of bilingual education for children in each language classification in which there are 20 or more children of limited English-speaking ability.

Sec. 21.454 requires that the bilingual education program be a full-time program of instruction in all subjects required by law or by the school district, which shall be given both in the particular foreign language involved and in English. Courses in the use of and the history and culture associated with the particular foreign language involved shall also be given.

Sec. 21.455 requires that enrollment in a bilingual program be for three years or until the child "achieves a level of English language proficiency which will enable him to perform successfully" in classes given in English.

Sec. 21.456 requires that, "whenever possible", children enrolled in a bilingual program be placed in the regular school building with other children of about the same age and attainment level.

Sec. 21.457 provides that districts may join to provide bilingual programs, and that nonresident children may be permitted to enroll.

Sec. 21.458 provides that a district or districts may furnish supplementary pre-school and summer bilingual programs.

Sec. 21.459 requires the State Board of Education to establish rules as to the certification of bilingual teachers.

Sec. 21.460 requires an allowance to be determined by the Central Education Agency for operational expenses and transportation to school districts operating approved bilingual programs.

Section 2. Adds a new Sec. 11.17 to Chapter 11, Education Code, requiring the C.E.A. To conduct bilingual education training institutes for public school personnel.

Section 3. Adds a new Sec. 12.04 to Chapter 12, Education Code, requiring the State Board of Education to purchase textbooks and supporting media for use in bilingual education programs.

Section 4. Section 21.109, Texas Education Code, is amended to provide: the provisions as to bilingual education in the existing Section 21.109 are deleted.

Section 5. Emergency Clause.

Summary of Committee Action:

*Attached*

Amendment

*Caldwell*  
~~Don~~

Amend the ~~Don~~ Substitute for SB 121, page 7, by adding  
a subparagraph between "c" and "Sec. 2"

"(d) The cost of funding this Act shall, for  
Fiscal Years 1974 and 1975, be maintained at the  
level contained in H.B. 137, 63<sup>rd</sup> Regular Session,"

DATE MAY 17 1973

READ AND ADOPTED

*Dorothy Hallman*  
Chief Clerk  
House of Representatives

AMENDMENT NO. \_\_\_\_\_

BY

*Mugant Cole*

Amend S.B. 121, Section 21.109, by striking subsection (b), and substituting the following:

"(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged. [initials]

DATE MAY 17 1973

READ AND ADOPTED

*Dorothy Hallman*  
Chief Clerk  
House of Representatives

3  
AMENDMENT NO. \_\_\_\_\_

BY Wesley Cole

Amend S.B. 121, Section 21.453, by striking subsection  
(b) and substituting the following:

"(b)Beginning with the 1974-75 scholastic year, each school district which has an enrollment of 20 or more children of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year, and who does not have a program of bilingual instruction which accomplishes the state policy set out in Section 21.451 of this Act, shall institute a program of bilingual instruction for the children in each language classification commencing in the first grade, and shall increase the program by one grade each year until bilingual instruction is offered in each grade up to the sixth. The board may establish a program with respect to a language classification with less than 20 children.

MAY 17 1973

DATE \_\_\_\_\_

READ AND ADOPTED

Joseph Hallman  
Chief Clerk  
House of Representatives



*Insert D*  
*#K-12*  
*Caption*  
*5-12-73.*

C.S.S.B. No. 121

A BILL TO BE ENTITLED

AN ACT

relating to bilingual education programs in the public schools and to bilingual training institutes for training public school personnel; amending Texas Education Code as follows: amending Chapter 21 by amending Section 21.109 and adding a new Subchapter L; adding a new Section 11.17 to Subchapter A, Chapter 11; adding a new Subsection 12.05 ~~12.05~~ to Subchapter A, Chapter 12; and declaring an emergency.

In accordance with Rule 8, \_\_\_\_\_ was heard in  
public hearing on \_\_\_\_\_, by the \_\_\_\_\_  
subcommittee and recommended favorably back to the Full Committee on  
a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ present not voting, and \_\_\_\_\_  
absent. The Full Education Committee heard the bill on 5/3  
of 15 ayes, 0 nays, 0 present not voting, and 8 absent.  
1 (Sub for H.B. 146 which was heard on 3/28 by special subcommittee  
and approved by 4 ayes, 0 nays, and 2 absent.)

This measure proposes new law by adding  
a new Subchapter L to the existing Chapter 21,  
Section 21.109 + by adding a new  
Section 11.17 to existing Subchapter A,  
Chapter 11 + adding a new Subsection 12.05  
to existing Subchapter A, Chapter 12 of  
the Texas Education Code

(Add after summary of  
Committee Action)

DO-EE

Enrolled	_____
Enrolling Clerk	

S.B. No. 121

AN ACT

relating to bilingual education programs in the public schools and to bilingual training institutes for training public school personnel; providing for funding; amending Texas Education Code as follows: amending Chapter 21 by amending Section 21.109 and adding a new Subchapter L; adding a new Section 11.17 to Subchapter A, Chapter 11; adding a new Subsection 12.05 to Subchapter A, Chapter 12; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 21, Texas Education Code, is amended by adding Subchapter L to read as follows:

"SUBCHAPTER L. BILINGUAL EDUCATION

"Section 21.451. STATE POLICY. The legislature finds that there are large numbers of children in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The legislature believes that a compensatory program of bilingual education can meet the needs of these children and facilitate their integration into the regular school curriculum. Therefore, pursuant to the policy of the state to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this subchapter to provide for the establishment of

S.B. No. 121

1 bilingual education programs in the public schools and to provide  
2 supplemental financial assistance to help local school districts  
3 meet the extra costs of the programs.

4 "Section 21.452. DEFINITIONS. In this subchapter the  
5 following words have the indicated meanings:

6 "(1) 'Agency' means the Central Education Agency.

7 "(2) 'Board' means the governing board of a school  
8 district.

9 "(3) 'Children of limited English-speaking ability'  
10 means children whose native tongue is a language other than English  
11 and who have difficulty performing ordinary classwork in English.

12 "Section 21.453. ESTABLISHMENT OF BILINGUAL PROGRAMS.

13 "(a) The governing board of each school district shall  
14 determine not later than the first day of March, under regulations  
15 prescribed by the State Board of Education, the number of  
16 school-age children of limited English-speaking ability within  
17 the district and shall classify them according to the language  
18 in which they possess a primary speaking ability.

19 "(b) Beginning with the 1974-75 scholastic year, each  
20 school district which has an enrollment of 20 or more children  
21 of limited English-speaking ability in any language classification  
22 in the same grade level during the preceding scholastic year, and  
23 which does not have a program of bilingual instruction which  
24 accomplishes the state policy set out in Section 21.451 of this  
25 Act, shall institute a program of bilingual instruction for the  
26 children in each language classification commencing in the first

S.B. No. 121

grade, and shall increase the program by one grade each year until bilingual instruction is offered in each grade up to the sixth. The board may establish a program with respect to a language classification with less than 20 children.

"Section 21.454. PROGRAM CONTENT; METHOD OF INSTRUCTION.

"(a) The bilingual education program established by a school district shall be a full-time program of instruction (1) in all subjects required by law or by the school district, which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program, and in the English language; (2) in the comprehension, speaking, reading, and writing of the native language of the children of limited English-speaking ability who are enrolled in the program, and in the comprehension, speaking, reading, and writing of the English language; and (3) in the history and culture associated with the native language of the children of limited English-speaking ability who are enrolled in the program, and in the history and culture of the United States.

"(b) In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in regular classes provided in the subjects.

"(c) Elective courses included in the curriculum may be taught in a language other than English.

"(d) Each school district shall insure to children enrolled in the program a meaningful opportunity to participate fully with

1 other children in all extracurricular activities.

2 "Section 21.455. ENROLLMENT OF CHILDREN IN PROGRAM.

3 "(a) Every school-age child of limited English-speaking  
4 ability residing within a school district required to provide a  
5 bilingual program for his classification shall be enrolled in the  
6 program for a period of three years or until he achieves a level  
7 of English language proficiency which will enable him to perform  
8 successfully in classes in which instruction is given only in  
9 English, whichever first occurs.

10 "(b) A child of limited English-speaking ability enrolled  
11 in a program of bilingual education may continue in that program  
12 for a period longer than three years with the approval of the  
13 school district and the child's parents or legal guardian.

14 "(c) No school district may transfer a child of limited  
15 English-speaking ability out of a program in bilingual education  
16 prior to his third year of enrollment in the program unless the  
17 parents of the child approve the transfer in writing, and unless  
18 the child has received a score on an examination which, in the  
19 determination of the agency, reflects a level of English language  
20 skills appropriate to his or her grade level. If later evidence  
21 suggests that a child who has been transferred is still handicapped  
22 by an inadequate command of English, he may be re-enrolled in the  
23 program for a length of time equal to that which remained at the  
24 time he was transferred.

25 "(d) No later than 10 days after the enrollment of a child  
26 in a program in bilingual education the school district shall

S.B. No. 121

1 notify the parents or legal guardian of the child that the child  
2 has been enrolled in the program. The notice shall be in writing  
3 in English, and in the language of which the child of the parents  
4 possesses a primary speaking ability.

5 "Section 21.456. FACILITIES; CLASSES. (a) Programs in  
6 bilingual education, whenever possible, shall be located in the  
7 regular public schools of the district rather than in separate  
8 facilities.

9 "(b) Children enrolled in the program, whenever possible,  
10 shall be placed in classes with other children of approximately  
11 the same age and level of educational attainment. If children  
12 of different age groups or educational levels are combined, the  
13 school district shall insure that the instruction given each child  
14 is appropriate to his or her level of educational attainment, and  
15 the district shall keep adequate records of the educational level  
16 and progress of each child enrolled in the program.

17 "(c) The maximum student-teacher ratio shall be set by the  
18 agency and shall reflect the special educational needs of children  
19 enrolled in programs of bilingual education.

20 "Section 21.457. COOPERATION AMONG DISTRICTS. (a) A  
21 school district may join with any other district or districts to  
22 provide the programs in bilingual education required or permitted  
23 by this subchapter. The availability of the programs shall be  
24 publicized throughout the affected districts.

25 "(b) A school district may allow a nonresident child of  
26 limited English-speaking ability to enroll in or attend its program

1 in bilingual education, and the tuition for the child shall be  
2 paid by the district in which the child resides.

3 "Section 21.458. PRESCHOOL AND SUMMER SCHOOL PROGRAMS.

4 A school district may establish on a full- or part-time basis  
5 preschool or summer school programs in bilingual education for  
6 children of limited English-speaking ability and may join with  
7 other districts in establishing the programs. The preschool or  
8 summer programs shall not be a substitute for programs required  
9 to be provided during the regular school year.

10 "Section 21.459. BILINGUAL EDUCATION TEACHERS. (a) The  
11 State Board of Education shall promulgate rules and regulations  
12 governing the issuance of teaching certificates with bilingual  
13 education endorsements to teachers who possess a speaking and  
14 reading ability in a language other than English in which bilingual  
15 education programs are offered and who meet the general  
16 requirements set out in Chapter 13 of this code.

17 "(b) The minimum monthly base pay and increments for  
18 teaching experience for a bilingual education teacher are the  
19 same as for a classroom teacher with an equivalent degree under  
20 the Texas State Public Education Compensation Plan. The minimum  
21 annual salary for a bilingual education teacher is the monthly  
22 base salary, plus increments, multiplied by 10, 11, or 12, as  
23 applicable.

24 "Section 21.460. ALLOTMENTS FOR OPERATIONAL EXPENSES AND  
25 TRANSPORTATION. (a) To each school district operating an approved  
26 bilingual education program there shall be allotted a special



allowance in an amount to be determined by the agency for pupil evaluation, books, instructional media, and other supplies required for quality instruction.

"(b) The cost of transporting bilingual education students from one campus to another within a district or from a sending district to an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency shall be reimbursed based on the number or actual miles traveled times the district's official extracurricular travel per mile rate as set by their local board of trustees and approved by the Central Education Agency.

"(c) The Foundation School Fund Budget Committee shall consider all amounts required for the operation of bilingual education programs in estimating the funds needed for purposes of the Foundation School Program.

"(d) The cost of funding this Act shall, for fiscal years 1974 and 1975, be maintained at the level contained in House Bill 139, 63rd Legislature, Regular Session, 1973."

Sec. 2. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.17 to read as follows:

"Section 11.17. BILINGUAL EDUCATION TRAINING INSTITUTES.

"(a) The Central Education Agency shall conduct bilingual education training institutes.

"(b) The agency shall make rules and regulations governing the conduct of and participation in the institutes.

"(c) Professional and paraprofessional public school personnel who participate in the bilingual education training institutes shall be reimbursed for expenses incurred as a result of their participation in accordance with rules and regulations adopted by the agency."

Sec. 3. Subchapter A, Chapter 12, Texas Education Code, is amended by adding Section 12.04 to read as follows:

"Section 12.04. BILINGUAL EDUCATION TEXTBOOKS. (a) The State Board of Education shall acquire, purchase, and contract for, with bids, subject to rules and regulations adopted by the board, free textbooks and supporting media for use in bilingual education programs conducted in the public school systems of this state.

"(b) The textbooks and supporting media shall be paid for out of the textbook fund and shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations."

Sec. 4. Section 21.109, Texas Education Code, is amended to read as follows:

"Section 21.109. LANGUAGE OF INSTRUCTION. (a) English shall be the basic language of instruction in all schools. ~~[The governing board of any school district and any private or parochial school may determine when, in which grades, and under what circumstances instruction may be given bilingually.]~~

"(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual

1 instruction may be offered or permitted in those situations when  
 2 such instruction is necessary to insure their reasonable efficiency  
 3 in the English language so as not to be educationally  
 4 disadvantaged. ~~[educationally advantageous to the pupils. Such~~  
 5 ~~bilingual instruction may not be offered or permitted above the~~  
 6 ~~sixth grade without the express approval of the Texas Education~~  
 7 ~~Agency, which approval shall be granted on a three-year basis~~  
 8 ~~subject to reapproval at the end of that time.]"~~

9       Sec. 5. The importance of this legislation and the crowded  
 10 condition of the calendars in both houses create an emergency and  
 11 an imperative public necessity that the constitutional rule  
 12 requiring bills to be read on three several days in each house  
 13 be suspended, and this rule is hereby suspended, and that this  
 14 Act take effect and be in force from and after its passage, and  
 15 it is so enacted.

S.B. No. 121

\_\_\_\_\_  
President of the Senate                      Speaker of the House

I hereby certify that S.B. No. 121 passed the senate on April 30, 1973, by a viva-voce vote; May 23, 1973, senate concurred in house amendments by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 121 passed the house, with amendments, on May 23, 1973, by the following vote: Yeas 112, Nays 21, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

N ACT relating to bilingual education programs in the public schools;  
amending Chapter 21, Texas Education Code, by adding Subchapter L;  
amending Section 21.109, Texas Education Code; and declaring an  
emergency.

Filed with the Secretary of the Senate

JAN 30 1973 Read, referred to Committee on EDUCATION

Reported favorably.

APR 11 1973 Reported adversely, with favorable Committee Substitute; Committee Substitute  
read first time.

Ordered not printed.

APR 30 1973 Senate and Constitutional Rules to permit consideration suspended by

unanimous consent.

29 yeas, 1 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

APR 30 1973 Read second time and { ordered engrossed.  
~~passed without amendment.~~

Caption ordered amended to conform to body of bill.

APR 30 1973 Senate and Constitutional 3-Day Rules suspended by vote of  
30 yeas, 0 nays to place bill on third reading and final passage.

APR 30 1973 Read third time and passed by { a viva-voce vote.  
~~\_\_\_\_\_ yeas, \_\_\_\_\_ nays.~~

OTHER ACTION:

Charles Schnabel  
Secretary of the Senate

April 30, 1973 Engrossed

MAY 1 1973 Sent to HOUSE

On If Key

ENGROSSING CLERK

MAY 1 1973

Received At  
the Senate

Jeremy Hallman  
Chief Clerk, House of Representatives

READ FIRST TIME  
AND REFERRED TO COMMITTEE ON

Education

MAY 1 1973

Jeremy Hallman  
Chief Clerk, House of Representatives

To Leg. Board on May 4  
Reintroduced

MAY 9 1973 REPORTED FAVORABLY SENT TO PRINTER

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

CALENDARS 6:30 P.M. MAY 9 1973  
(Time) (Date)



*(Inside)*

SB 121

~~██████████~~ MAY 17 1973

Read Second Time, *amended*

and passed to third reading by <sup>non</sup> record vote

*yes* 114 *noes* 27

*Dorothy Hallman*

Chief Clerk, House of Representatives

~~██████████~~ Read third time

and Passed

by following vote: yeas

~~NOES~~

~~*Dorothy Hallman*~~

~~Chief Clerk~~

~~HOUSE OF REPRESENTATIVES~~

MAY 17 1973

MOTION TO RECONSIDER THE VOTE BY WHICH *SB No 121 passed to 3rd reading* WAS ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED *passed* BY A *non-record* VOTE OF

*Dorothy Hallman*  
CLERK HOUSE OF REPRESENTATIVES

MAY 23 1973

Read third time

and Passed

by following vote: yeas

*NOES* 21-2 present not voting

*Dorothy Hallman*

Chief Clerk

HOUSE OF REPRESENTATIVES

MAY 23 1973

RETURNED TO SENATE

MAY 23 1973

RETURNED

FROM HOUSE

*as amended*

MAY 23 1973

Senate concurred in House amendments by viva voce vote.